

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-221806.2

DATE: June 11, 1986

MATTER OF: Kos Kam, Inc.--Reconsideration

DIGEST:

The General Accounting Office denies a request for reconsideration that fails to show legal or factual errors in a decision concluding that a bidder rendered itself ineligible for award after its bid expired by conditioning an extension of its bid acceptance period upon an increase in price. Arguments concerning the protester's responsibility are irrelevant when its extended bid was nonresponsive.

Kos Kam, Inc., requests reconsideration of our decision, Kos Kam, Inc., B-221806, May 14, 1986, 86-1 CPD ¶ _____, in which we denied in part and dismissed in part Kos Kam's protest against the award of a contract to Genesis General Contracting, Inc. The Veterans Administration (VA) Medical Center, Lyons, New Jersey, made the award under invitation for bids (IFB) No. 604-12-86, issued October 7, 1985. We deny the request for reconsideration.

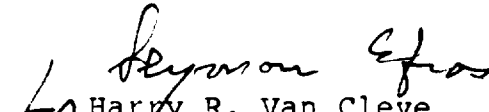
The IFB was for a general construction project involving the renovation of bathrooms and shower rooms in a building at the VA Medical Center. We concluded that the agency properly rejected Kos Kam's bid as nonresponsive because the firm conditioned an extension of its bid acceptance period upon an increase in its price. We found that the record did not support Kos Kam's contention that the contracting officer's request for an extension was made in bad faith. Also, we declined to review the agency's determination that Kos Kam was not a responsible firm, since Kos Kam had failed to submit to the Small Business Administration the information needed for a certificate of competency proceeding.

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In its request for reconsideration, Kos Kam reiterated its arguments that the contracting officer acted in bad faith in requesting Kos Kam to extend its bid because she knew Kos Kam's bid was so low that it would not be able to grant an extension without a price increase. We found no evidence of bad faith in our prior decision, and Kos Kam has presented no additional facts bearing on the question.

The remainder of the protester's arguments for reconsideration relate to the VA's determination that the firm was not responsible. Since Kos Kam qualified its bid extension and thereby rendered itself ineligible for an award after its original bid expired, the question of Kos Kam's responsibility is irrelevant. Once its original bid expired, no award could be made to the firm, even if it had been determined to be responsible.

In order to prevail in a reconsideration, the requesting party must convincingly show either errors of law or fact that warrant reversal or modification of our prior decision. Colbar, Inc--Reconsideration, B-218228.4, Feb. 13, 1986, 65 Comp. Gen. _____, 86-1 CPD ¶ 156. Kos Kam has not made such a showing. We deny the request for reconsideration.


for Harry R. Van Cleve
General Counsel